

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 62312

Rene D. Javier
Rosanna O. Javier
7915 Hillendale Road
Baltimore, MD 21234

1349 Taylor Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on August 5, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-4-201, failure to properly store trash in cans with tight fitting lids on residential property zoned DR 10.5 known as 1349 Taylor Avenue, 21234.

On June 29, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$400.00 (four hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 5, 2009 for removal of open dump/junk yard, removal of trash and debris, and storage of garbage in containers with tight lids. This Citation was issued on June 29, 2009.

B. Photographs in the file taken June 26 and July 31 show garbage in cans without lids. Photographs of the rear yard of this investment rowhouse property also show bagged garbage on the ground inside the rear fence, and a large number of cardboard boxes and bags of junk, trash or debris on the ground inside the back fence. This violates requirements for the proper storage of garbage, violates prohibitions against the accumulation of junk, trash and debris on residential property, and creates harborage for rats.

C. Review of the file shows that this property has been the subject of repeated code enforcement actions for similar violations in at least 2008 and 2007. Respondent has an obligation to maintain this investment property in compliance with County codes.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that after August 20, 2009, Baltimore County may enter the property for the purpose of removing all junk, trash and debris, at the property owner's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

1349 Taylor Ave
Page 3

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 10th day of August 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf